

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TODD ALLEN SIMMONS,
Plaintiff,
v.
JEFF MACOMBER,
Defendant.

No. 2:23-cv-02962-DC-CKD (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 16)

Plaintiff Todd Allen Simmons is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 28, 2025, the assigned magistrate judge issued findings and recommendations recommending that Plaintiff's second amended complaint be dismissed for failure to state a claim upon which relief can be granted and this case be closed. (Doc. No. 16.) The pending findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the

1 findings and recommendations are supported by the record and by proper analysis.

2 Accordingly,

- 3 1. The findings and recommendations issued on February 28, 2025 (Doc. No. 16) are
4 ADOPTED in full;
- 5 2. Plaintiff's second amended complaint (Doc. No. 14) is dismissed for failure to
6 state a claim upon which relief can be granted; and
- 7 3. The Clerk of the Court is directed to close this case.

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10 IT IS SO ORDERED.

11 Dated: May 9, 2025



Dena Coggins
United States District Judge

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